

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71054 of 2023

Arising Out of PS. Case No.-70 Year-2023 Thana- SAHARGHAT District- Madhubani

Rohit Kumar @ Kaliya, Son Of Late Ram Sudndar Safi, Resident Of Village-
Uttara, P.S.- Saharghat, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Ravi Prakash, Advocate
For the Opposite Party/s	:	Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Saharghat P.S. Case No. 70 of 2023 registered on 15.05.2023 for the alleged offences under Section 392 of the Indian Penal Code.

3. As per prosecution case, four masked miscreants snatched the motorcycle, mobile phone and Rs. 37,500/- from the informant on gun point. The name of the petitioner surfaced during investigation as one of the accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner has no concern with the alleged occurrence. Nothing incriminating has been recovered from the conscious



possession of the petitioner. Petitioner was not put to any Test Identification Parade. Learned counsel further submits that two motorcycles were recovered from an orchard and four persons were present in the said orchard when the raid was being conducted. Two of them fled away and petitioner and co-accused Sanjay Paswan were apprehended by the police after chase. So it cannot be said that motorcycle was recovered from the possession of the petitioner. One of the motorcycles is said to be looted motorcycle. Other co-accused persons, namely, Sanjay Paswan and Sachin Kumar Paswan have been granted bail by different Co-ordinate Benches of this Court vide order dated 17.10.2023 passed in Cr. Misc. No. 67202 of 2023 and order dated 03.11.2023 passed in Cr. Misc No. 68974 of 2023, respectively. The petitioner is in custody since 16.05.2023 and charge sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that the petitioner was apprehended from the spot and looted motorcycle was also recovered from the place where petitioner was present.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



grant of bail to similarly placed co-accused persons and also considering the period of custody of the petitioner coupled with his clean antecedent and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned J.M-Ist, Benipatti/concerned court in connection with Saharghat P.S. Case No. 70 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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